SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT</u>.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

l acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, \$119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing data before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

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Application Number	Filing Date	Status
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Rez. No. 37.850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24.207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksains, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		*** © *********************************

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Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402

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made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 1: Mark J. Dapper United States of America Residence: Cincinnati, OH Citizenship: Post Office Address: 655F Baywood Lane Cincinnati, OH 45224 Signature: Full Name of joint inventor number 2: Michael J. Gelle Citizenship: United States of America Residence: Loveland, OH Post Office Address: 316 Miami Valley Drive oveland, OH 45140 Signature: L ð1 Full Name of joint inventor number 3: Terrance J. Hill Citizenship: United States of America Residence: Fairfield, OH Post Office Address: 1765 Garrett House Lane Fairfield, OH 45014 Signature: Terrance J. Hill Full Name of joint inventor number 4: Harold A. Roberts Citizenship: United States of America Residence: Eden Prairie, MN Post Office Address: 7017 Beacon Circle Eden Prairie, MN 55346

Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

X Additional inventors are being named on separately numbered sheets, attached hereto.

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Our Ref. 500.623US1	
Serial No. 08/673,002	
Filing Date: June 28, 1996	

Page 5 of 10

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	or number 16: Thomas C. Tucker United States of America 205 Silver Creek Trail Chapel Hill, NC 27514	Residence: Chapel Hill, NC	·
iii Full Name of joint invent Citizenship:	United States of America 205 Silver Creek Trail	Residence: Chapel Hill, NC Date:	

made are punishable b statements may jeopan	y fine or imprisonment, or both, under Section dize the validity of the application or any pate	a 1001 of Title 18 of the United States Code nt issued thereon.	and that such willful false
Full Name of joint invo Citizenship: Post Office Address:	entor number 17: <u>Joe Hall</u> United States of America 4900 West 78th Street Bloomington, MN 55435	Residence: Bloomington, MN	
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	Data	
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number 22 · Tammy Farris		
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Tammy Ferris	Date:	
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	United States of America 16303 205th Avenue NW Elk River, MN 55330 Mark D. Elpers Inumber 22: Matt Downs United States of America 4900 West 78th Street Bloomington, MN 55435 Matt Downs Inumber 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 Tammy Ferris Inumber 24: Adam Opoczynski United States of America	United States of America 16303 205th Avenue NW Elk River, MN 55330 Date: Mark D. Elpers Thumber 22: Matt Downs United States of America 4900 West 78th Street Bloomington, MN 55435 Date: Matt Downs Thumber 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 Date: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 Date: Tammy Ferris Date: Tammy Ferris Residence: Bloomington, MN 55435 Date: Tammy Ferris Residence: Plano, TX

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and a second sec	Shorewood, MN 55331		
Signature:		_	
Signature:	61:63:1	Date:	
200 E SE 200 E	Calvin G. Nelson	•	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
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Citizenship:	United States of America	Residence: Middletown, CT	
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9 \$ 15 \$20 min	,		
Signature:	·	Date:	
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Post Office Address:	6 Ranch Drive	·	
	Trumbull, CT 06611	•	
Signature:		Date:	
-	Joseph F. Chiappetta		
	•		

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Serial	No. 0	18/673	,002	?
Filing	Date	: June	28.	1996

Page 9 of 10

Full Name of joint inven Citizenship: Post Office Address:	tor number 29: Scott Sarnikowski United States of America 13235 57th Avenue North Plymouth, MN 55442	Residence: Plymouth, MN	
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Signature:		Date:	· · · · · · · · · · · · · · · · · · ·
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	

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- § 1.56 Duty to disclose information material to patentability.
- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name: that

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Davis Michael A	Peg No 30 667	Lensine Charles A	Res No 36 198		_

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Residence: Bloomington, MN

Date:

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Full Name of joint inventor number 20: Henr Lou

Heng Lou

Citizenship:

Signature:

Post Office Address:

Page	7	of	i	1
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Citizenship: Post Office Address:	United States of America 5145 Luverne Avenue Minneapolis, MN 55419	Residence: Minneapolis, MN	•
Signature:	David S. Russell	Date:	
Citizenship: Post Office Address:	ntor number 26: <u>Calvin G. Nelson</u> United States of America 26190 Birch Bluff Road Shorewood, MN 55331	Residence: Shorewood, MIN	
Signature:	Calvin G. Nelson	Date:	
Full Name of joint inver Citizenship: Post Office Address:	ntor number 27: Niranjan R. Samant United States of America 229 Ridgefield Drive Middletown, CT 06547	Residence: Middletown, CT	
Signature:	Niranjan R. Samant	Date:	
Full Name of joint inven Citizenship: Post Office Address:	utor number 28: <u>Joseph F. Chiappetta</u> United States of America 6 Ranch Drive Trumbull, CT 06611	Residence: Trumbull, CT	
Signature:	Joseph F. Chiappetta	Date:	

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Serial	No. 0	1/ 673	,00;	2
Filing	Date:	June	28.	1996

Page 9 of 10

Full Name of joint inver Citizenship: Post Office Address:	ntor number 29: <u>Scott Saralkowski</u> United States of America 13235 57th Avenue North Plymouth, MN 55442	Residence: Plymouth, MN	
Signature:	Scott Sarnikowski	Date:	
Full Name of inventor:		•	
Citizenship: Post Office Address:		Residence:	
Signature:	***************************************	Date:	
	·		
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
	·		
Signature:		Date:	,
	•		
Full Name of inventor: Citizenship:		Martana S	
Post Office Address:		Residence:	
Signature:			
oiknarnie:		Date:	

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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT</u>.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

l acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, \$119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

L

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national of PCT international filing date of this application.

Application Number	Filing Date	Status
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryt S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32.146	Woessner, Warren D.	Reg. No. 30,440
Devia Michael A	Reg No 30 662	Lampire Charles A	Per No 36 109		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)339-0331

Full Name of joint inventor Citizenship: Post Office Address:	number 1: Mark J. Dapper United States of America 6558 Baywood Lane Cincinnati, OH 45224	Residence: Cincinnati, OH	
Signature:	Mark J. Dapper	Date:	
Full Name of joint inventor Citizenship: Post Office Address:	number 2: <u>Michael J. Geile</u> United States of America 316 Miami Valley Drive Loveland, OH 45140	Residence: Loveland, OH	
Signature:		Date:	•
The state of the s	Michael J. Geile	·	
Full Name of joint inventor Citizenship: Post Office Address:	number 3: <u>Terrance J. Hill</u> United States of America 1765 Garrett House Lane Fairfield, OH 45014	Residence: Fairfield, OH	
Signature:		Date:	
grans grans grans	errance J. Hill	Det.	
Full Name of joint inventor : Citizenship: Post Office Address:	number 4: Harold A. Roberts United States of America 7017 Beacon Circle Eden Prairie, MN 55346	Residence: Eden Prairie, MN	
Full Name of joint inventor: Citizenship:	United States of America 7017 Beacon Circle	Residence: Eden Prairie, MN Date:	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint invo Citizenship:	United States of America	Residence: Plymouth, MN	. ·
Post Office Address:	11430 - 50th Place North Plymouth, MN 55442	·	
Signature:		Date:	
	Brian D. Anderson		
Full Name of joint inve	ntor number 6: Jeffrey Brede		- .
Citizenship:	United States of America	Residence: Edea Prairie, MN	
Post Office Address:	8073 Curtis Lane		
The state of the s	Eden Prairie, MN 55347		
		Danie	<u>-</u>
Signature:	Jeffrey Brede	Date:	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Jenney Blede	•	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			-
Full Name of joint inve	ntor number 7: Mark S. Wadman		•
Citizenship:	United States of America	Residence: Eden Prairie, MN	
Post Office Address:	8956 Braxton Drive		
The state of the s	Eden Prairie, MN 55347		•
<u>ļ</u> ā		Deter	
Signature:	Mark S. Wadman	Date:	
Full Name of joint inver	ntor number 8: Robert J. Kirscht		_
Citizenship:	United States of America	Residence: Savage, MN	
Post Office Address:	13106 Vernon Avenue South	amountain amount to	
•	Savage, MN 55378		
Signature:		Date:	
	Robert J. Kirscht		
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Page	4	of	16

Our Ref. 500.623US1 Serial No. 08/673,002			Page 4 of 10
belief are believed to be	mier and further that these statements were I	knowledge are true and that all statements mannade with the knowledge that willful false state 1001 of Title 18 of the United States Code and it issued thereon.	ements and the like so
Full Name of joint inve Citizenship: Post Office Address:	ntor number 9: James J. Herrmann United States of America 1894 Sunrise Court Eagan, MN 55122	Residence: Eagan, MN	
Signature:		Dete:	
	James J. Herrmann		
Full Name of joint inve	ntor number 10: Michael J. Fort		
Citizenship:	United States of America 1045 Northview Park	Residence: Eagan, MN	•
Post Office Address:	Eagan, MN 55123		
#177 #460 2.2.200		Date:	;
Signature:	Michael J. Fort		
	ntor number 11: Steven P. Buska		
Citizenship: Post Office Address:	United States of America 13370 Stanton Drive Minnetonka, MN 55305	Residence: Minnetonka, MN	
Signature:		Date:	·
100 Mg	Steven P. Buska		
T i	ntor number 12: Jeff Solum		
Citizenship:	United States of America	Residence: Bloomington, MN	
Post Office Address:	4900 West 78th Street Bloomington, MN 55435		
Signature:		Date:	
	Jeff Solum	•	

X Additional inventors are being named on separately numbered sheets, attached hereto.

Signature:

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 13: Debra Lea Enfield **United States of America** Residence: Chaska, MN Citizenship: 464 Ridge Court Post Office Address: Chaska, MN 55318 Date: Signature: Debra Lea Enfield Full Name of joint inventor number 14: Darrell Berg Residence: Bloomington, MN United States of America Citizenship: 4900 West 78th Street Post Office Address: Bloomington, MN 55435 Date: Signature: Darrell Berg n Full Name of joint inventor number 15: Thomas Smigelski Residence: Lake Zurich, IL United States of America Citizenship: 230 Waterford Drive Post Office Address: Lake Zurich, IL 60047 Signature: Thomas Smigelski Full Name of joint inventor number 16: Thomas C. Tucker Residence: Chapel Hill, NC United States of America Citizenship: 205 Silver Creek Trail Post Office Address: Chapel Hill, NC 27514

Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

Thomas C. Tucker

X Additional inventors are being named on separately numbered sheets, attached hereto.

Full Name of joint invent Citizenship:	or number 17: <u>Joe Hall</u> United States of America	Residence: Bloomington, MN	
Post Office Address:	4900 West 78th Street Bloomington, MN 55435	Rescence. Broomingwa, 1121	
Signature:	Joe Hali	Date:	
Eull Name of joint insent	or number 18: John M. Logaian		
Post Office Address:	United States of America 4248 Hamline Avenue	Residence: Arden Hills, MN	
Signature:	Arden Hills, MN 55112	Date:	
	John M. Logajan		
Full Name of joint invento Citizenship:	or number 19: Somvay Boualouang		- -
Post Office Address:	United States of America 4900 West 78th Street Bloomington, MN 55435	Residence: Bloomington, MN	
Signature:		Date:	
	Somvay Boualouang		_
Full Name of joint invento Citizenship: Post Office Address:	r number 20 : <u>Heng Lou</u> United States of America 4900 West 78th Street	Residence: Bloomington, MN	•
	Bloomington, MN 55435		•
Signature:	Heng Lou	Date:	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Citizenship:	number 21: Mark D. Eipers United States of America	Residence: Elk River, MN	•
Post Office Address:	16303 205th Avenue NW Elk River, MN 55330		
Signature:	Mark D. Elpers	Dete:	-
Full Name of joint inventor Citizenship: Post Office Address:	number 22: <u>Matt Downs</u> United States of America 4900 West 78th Street Bloomington, MN 55435	Residence: Bloomington, MN	
Signature: Max	Vatt Downs	Dete: 1-21-97	
Full Name of joint inventor Citizenship: Post Office Address:	number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435	Residence: Bloomington, MN	
Signature:	Tammy Ferris	Date:	·
Full Name of joint inventor	number 24: Adam Opoczynski United States of America	Residence: Plano, TX	
Citizenship: Post Office Address:	3705 Roxbury Lane Plano, TX 75025		

Citizenship: Post Office Address:	United States of America 16303 205th Avenue NW Elk River, MN 55330	Residence: Elk River, MN
Signature:	Mark D. Elpers	Detc: 1/2/19/
Full Name of joint inver Citizenship: Post Office Address:	utor number 22: <u>Matt Downs</u> United States of America 4900 West 78th Street Bloomington, MN 55435	Residence: Bloomington, MN
Signature:	Matt Downs	Dete:
Citizenship: Post Office Address:	tor number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435	Residence: Bloomington, MN Date: 1-21-97
Citizenship: Post Office Address: Signature:	United States of America 4900 West 78th Street Bloomington, MN 55435	1-21-97

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 25: David S. Russell Citizenship: **United States of America** Residence: Minneapolis, MN Post Office Address: 5145 Luverne Avenue Minneapolis, MN 55419 Signature: David S. Russell Full Name of joint inventor number 26: Calvin G. Nelson United States of America Citizenship: Residence: Shorewood, MN Post Office Address: 26190 Birch Bluff Road Shorewood, MN 55331 Signature: Date: Calvin G. Nelson 4.1 Õ Full Name of joint inventor number 27: Niranian R. Samant United States of America INGA Citizenship: Residence: Middletown, CT Post Office Address: 229 Ridgefield Drive #3 Middletown, CT 06547 i i Signature: Niranian R. Samant 1.1 Full Name of joint inventor number 28: Joseph F. Chiappetta Citizenship: United States of America Residence: Trumbull, CT Post Office Address: 6 Ranch Drive Trumbull, CT 06611 Signature:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

Page !	9 of	10
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Our Ref. 500.623US1 Serial No. 08/673,002 Filing Date: June 28, 1996	·		Page 9 of 10
belief are believed to be made are punishable by	true; and further that these statements were	knowledge are true and that all statements made with the knowledge that willful false states 1001 of Title 18 of the United States Code and issued thereon.	atements and the like so
Full Name of joint inventional Citizenship: Post Office Address:	tor number 29: <u>Scott Sarnikowski</u> United States of America 13235 57th Avenue North Plymouth, MN 55442	Residence: Plymouth, MN	
Signature:		Dete:	
Jigiani (Scott Samikowski		·
Full Name of inventor: Citizenship:		Residence:	
Post Office Address:			
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Signature:		Date:	
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Full Name of inventor:			
Citizenship:		Residence:	
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Signature:		Date:	
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Full Name of inventor: Citizenship:		Residence:	
Cruzensnip: Post Office Address:	•	Acsidence:	

Date:

Signature:

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§ 1.56. Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
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- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
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 - (2) Each attorney or agent who prepares or prosecutes the application; and
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

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I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT</u>.

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08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May. 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael Bianchi, Timothy E. Billig, Patrick G. Billion, Richard E. Brennan, Thomas F.	Reg. No. 24,916 Reg. No. 39,610 Reg. No. 38,080 Reg. No. 32,836 Reg. No. 35,075	eg. No. 39,610 Fogg, David N. eg. No. 38,080 Forrest, Bradley A. eg. No. 32,836 Holloway, Sheryl S.	Reg. No. 39,665 Reg. No. 35,138 Reg. No. 30,837 Reg. No. 37,850 Reg. No. 24,207	Lempia, Bryan J. Linnan, Mark A. Lundberg, Steven W. Schwegman, Micheal L. Slifer, Russell D.	Reg. No. 39,746 Reg. No. 26,390 Reg. No. 30,568 Reg. No. 25,816 Reg. No. 30,828
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S. Woessner, Warren D.	Reg. No. 39,838
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146		Reg. No. 37,748
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor Citizenship: Post Office Address:	United States of America 6558 Baywood Lane Cincinnati, OH 45224	Residence: Clacianati, OH	•
Signature:	Mark J. Dapper	Date:	
Full Name of joint inventor Citizenship: Post Office Address:	number 2: <u>Michael J. Gelle</u> United States of America 316 Miami Valley Drive Loveland, OH 45140	Residence: Loveland, OH	
Signature:	Michael J. Geile	Date:	-
Full Name of joint inventor Citizenship: Post Office Address:	number 3: Terrance J. Hill United States of America 1765 Garrett House Lane Fairfield, OH 45014	Residence: Fairfield, OH	
Signature:	Terrance J. Hill	Date:	
Full Name of joint inventor Citizenship: Post Office Address:	number 4: Harold A. Roberts United States of America 7017 Beacon Circle Eden Prairie, MN 55346	Residence: Eden Prairie, MN	
Signature:	Harold A. Roberts	Date:	

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 5: Brian D. Anderson Citizenship: **United States of America** Residence: Plymouth, MN Post Office Address: 11430 - 50th Place North Plymouth, MN 55442 Signature: Brian D. Anderson Full Name of joint inventor number 6: Jeffrey Brede Citizenship: **United States of America** Residence: Edea Prairie, MN Post Office Address: Signature: Full Name of joint inventor number 7: Mark S. Wadman Citizenship: United States of America Residence: Eden Prairie, MN Post Office Address: 8956 Braxton Drive Eden Prairie, MN 55347 Signature: Date: Mark S. Wadman Full Name of joint inventor number 3: Robert J. Kirscht Citizenship: United States of America Residence: Savage, MN Post Office Address: 13106 Vernon Avenue South Savage, MN 55378 Signature:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

Full Name of joint inventor num Citizenship: Post Office Address:	ber 9: James J. Herrmann United States of America 1894 Sunrise Court Eagan, MN/55122	Residence: Eagan, MN		
Signature: Jame	(1.) Herrmann	Detc: 4	23/97	
Full Name of joint inventor num Citizenship:	ber 10: Michael J. Fort United States of America 1045 Northview Park Eagan, MN 55123	Residence: Eagan, MP	I	•
- DIVIIAUIL.	Line J. Fort	Date:	/22/97	-
Full Name of joint inventor num Citizenship: Post Office Address:	uber 11: Steven P. Buska United States of America 13370 Stanton Drive Minnetonka, MN 55305	Residence: Minneton	12, MN	
Signature: Steve	en P. Buska	Date:	1/22/97	
Full Name of joint inventor num Citizenship: Post Office Address:	uber 12: Jeff Solum United States of America 4900 West 78th Street Jiloomington, MN 55435	Residence: Bloomingt		
Signature:	Solum	Date:	<u> </u>	
X Additional inventors are being	g named on separately numbered sheets,	attached hereto.		

Full Name of joint invento Citizenship: Post Office Address:	or number 13: <u>Debra Lea Enfield</u> United States of America 464 Ridge Court	Residence: Chaska, MN	
rust Olike Addicas.	Chaska, MN 55318		
Signature:	Debra Lea Enfield	Date:	### T
Full Name of joint invento	r number 14: Darrell Berg		
Citizenship:	United States of America 4900 West 78th Street Bloomington, MN 55435	Residence: Bloomington, MN	
ignature:	Darrell Berg	Date:	
ull Name of joint invento Citizenship: Post Office Address:	or number 15: <u>Thomas Smirelski</u> United States of America 230 Waterford Drive Lake Zurich, IL 60047	Residence: Lake Zurich, IL	
Signature:		Date:	
	Thomas Smigelski		
Full Name of joint invento Citizenship: Post Office Address:	or number 16: Thomas C. Tucker United States of America 205 Silver Creek Trail Chapel Hill, NC 27514	Residence: Chapel Hill, NC	
Signature:		Date:	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

number 17: Joe Hall United States of America 4900 West 78th Street Bloomington MN 55435	Residence: Bloomington, MN
Le full Joe Hall	Date:
number 18: John M. Logajan United States of America 4248 Hamline Avenue	Residence: Arden Hills, MN
Arden Hills, MN 55112 John M. Logajan	
number 19: Somyay Bonaionang United States of America 4900 West 78th Street	Residence: Bloomington, MN
Bloomington, MN 55435 Somvay Boualousing	Date: 1/21/97
number 20: Heng Lou United States of America 4900 West 78th Street	Residence: Bloomington, MN
leng Lou	Date: 1/22/97
	United States of America 4900 West 78th Street Bloomington MN 55435 John M. Logajan United States of America 4248 Hamine Avenue Arden Hills, MN 55112 John M. Logajan United States of America 4900 West 78th Street Bloomington, MN 55435 January Boualouseg Inumber 20: Heng Lou United States of America 4900 West 78th Street Bloomington, MN 55435

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Citizenship: Post Office Address:	United States of America 16303 205th Avenue NW Elk River, MN 55330	Residence: Elk River, MN	
Signature:		Date:	
	Mark D. Elpers		_
Full Name of joint inve	ntor number 22: Matt Downs		·
Citizenship: Post Office Address:	United States of America 4900 West 78th Street Bloomington, MN 55435	Residence: Bloomington, MN	
Signature:		Date:	
And the state of t	Matt Downs		-
Full Name of joint invertible Citizenship:	ntor number 23: Tammy Ferris United States of America	Basidanas Blauminetau Afhi	•
Post Office Address:	4900 West 78th Street	Residence: Bloomington, MN	
in de	Bloomington, MN 55435		
Signature:		Date:	·
	Tammy Ferris		
\$,40°.	ntor number 24: Adam Opoczynski	·	
Citizenship:	United States of America	Residence: Plano, TX	•
Post Office Address:	3705 Roxbury Lane		
•	Plano, TX 75025	•	
Signature:	· · · · · · · · · · · · · · · · · · ·	Date:	
•	Adam Opoczynski	•	
•			-

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 25: David S. Russell United States of America Citizenship: Residence: Minneapolis, MN Post Office Address: 5145 Luverne Avenue Minneapolis, MN 55419 Signature: David S. Russell Full Name of joint inventor number 26: Calvia G. Nelson Citizenship: United States of America Residence: Shorewood, MN Post Office Address: 26190 Birch Bluff Road Shorewood, MN 55331 Signature: Calvin G. Nelson L. Full Name of joint inventor number 27: Niranjan R. Samant United States of America E Citizenship: Residence: Middletown, CT Post Office Address: 229 Ridgefield Drive Middletown, CT 06547 ķŝ Signature: Date: Niranjan R. Samant FI. Full Name of joint inventor number 28: Joseph F. Chiappetta United States of America Citizenship: Residence: Trumbull, CT Post Office Address: 6 Ranch Drive Trumbull, CT 06611 Signature: Date: Joseph F. Chiappetta

X Additional inventors are being named on separately numbered sheets, attached hereto.

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Our Ref. 500.623US1	
Serial No. 06/673,002	
Filing Date: June 28, 199	6

Full Name of joint inven Citizenship: Post Office Address:	tor number 29: <u>Scott Sarnikowski</u> United States of America 13235 57th Avenue North Plymouth, MN 55442	Residence: Plymouth, MN	
Signature:	Scott Sarnikowski	Dete:	
Full Name of inventor: Citizenship:		Residence:	
Post Office Address: Signature:		Date:	- -
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:	-	Date:	·

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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced of attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT</u>.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, 1119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national of PCT international filing date of this application.

Application Number	Filing Date	Status
08/311.964	September 26, 1994	Allowed
08/457-317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael Reg. No. 24,916 Embresson, Janet E. Bianchi, Timothy E. Reg. No. 39,610 Forgg, David N. Billig, Patrick G. Reg. No. 38,080 Forrest, Bradley A. Holloway, Sheryl S. Brennan, Thomas F. Reg. No. 32,836 Klima-Silberg, Catherine J. Clark, Barbara J. Reg. No. 35,836 Klima-Silberg, Catherine J. Clark, Barbara J. Reg. No. 38,107 Kluth, Daniel J. Lemaire, Charles A.	Reg. No. 39,665 Reg. No. 35,138 Reg. No. 30,837 Reg. No. 37,850 Reg. No. 24,207 Reg. No. 40,052 Reg. No. 32,146 Reg. No. 36,198	Lempia, Bryan J. Litman, Mark A. Lundberg, Sarven W. Schwegman, Micheal L. Slifer, Russell D. Viksnins, Ann S. Woessner, Warren D.	Reg. No. 39,746 Reg. No. 26,390 Reg. No. 30,568 Reg. No. 25,816 Reg. No. 39,838 Reg. No. 37,748 Reg. No. 30,440
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 1: Mark J. Dapper Residence: Cincinnati, OH United States of America Citizenship: 6558 Baywood Lane Post Office Address: Cincinnati, OH 45224 Date: Signature: Mark J. Dapper Full Name of joint inventor number 2: Michael J. Gelle Residence: Loveland, OH United States of America Citizenship: 316 Miami Valley Drive Post Office Address: Loveland, OH 45140 Ber 10 Date: Signature: Michael J. Geile UT Fulf Name of joint inventor number 3: Terrance J. Hill United States of America Residence: Fairfield, OH Citizenship: Post Office Address: 1765 Garrett House Lane Fairfield, OH 45014 ļ.i. Date: Signature: Terrance J. Hill ħ. Full Name of joint inventor number 4: Harold A. Roberts Residence: Eden Prairie, MN United States of America Citizenship: 7017 Beacon Circle Post Office Address: Eden Prairie, MN 55346 Date: Signature:

X Additional inventors are being named on separately numbered sheets, attached hereto.

Harold A. Roberts

Full Name of joint inventor Citizenship: Post Office Address:	United States of America 11430 - 50th Place North	Residence: Plymouth, MIN	·
Signature:	Plymouth, MN 55442 Brian D. Anderson	Date:	<u> </u>
Full Name of joint invento	r number 6: Jeffrey Brede		
Citizenship: Post Office Address:	United States of America 8073 Curtis Lane Eden Prairie, MN 55347	Residence: Eden Prairie, MN	·
Signature:		Date:	
The state of joint inventor			
Citizenship: Post Office Address:	United States of America 8956 Braxton Drive Eden Prairie, MN 55347	Residence: Edea Prairie, MN	
Signature:	Mark S. Wadman	Date:	
Full Name of joint inventor	number 8: Robert J. Kirscht		
Citizenship: Post Office Address:	United States of America 13106 Vernon Avenue South Savage, MN 55378	Residence: Savage, MN	
Signature:		Date:	<u> </u>
— — — — — — — — — — — — — — — — — — —	Robert J. Kirscht		
X Additional inventors are	being named on separately numbered shee	is, attached hereto.	

Full Name of joint invento Citizenship: Post Office Address:	r number 9: James J. Herrmann United States of America 1894 Sunrise Court Eagan, MN 55122	Residence: Eagan, MN	
Signature:		Dete:	
·	James J. Herrmann		·
Full Name of joint inventor	number 10: Michael J. Fort		
Citizenship:	United States of America	Residence: Eagan, MN	-
Post Office Address:	1045 Northview Park		
GRACH CONTRACTOR CONTR	Eagan, MN 55123		
200 CT			
Signature:	•	Date:	•
	Michael J. Fort		
	number 11: Steven P. Buska	D - 11	
Citizenship:	United States of America	Residence: Minnetonka, MN	•
Post Office Address:	13370 Stanton Drive		
STATE OF THE STATE	Minnetonka, MN 55305		•
	•		•
Signature:	Communication of the communica	Date:	
and the contract of the contra	Steven P. Buska		
AND TOP			
Edl Name of init investor	number 12 : Faff Caler		
run name or joint inventor Citizenship:	number 12: Jeff Solum	Busidenses Blancinsten 36N	
Citizensnip: Post Office Address:	United States of America	Residence: Bloomington, MN	
rost Utilice Address:	4900 West 78th Street		
	Bloomington, MN 55435		
Signature:		Date:	
. 1	leff Solum	•	
X Additional inventors are l	being named on separately numbered shee	ts, attached hereto.	

Date:

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1,1997 10:33 Pg: 3 ot 3

X Additional inventors are being named on separately numbered sheets, attached hereto.

Thomas C. Tucker

Signature:

Chapel Hill, NC 27514

rrom: Zurich Pesign Labor.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

Our Ref. 500.623US1	
Serial No. 01/673,002	
Filing Date: June 28, 1996	

Page 7 of 10

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Citizenship: Post Office Address:	United States of America 16303 205th Avenue NW Elk River, MN 55330	Residence: Elk River, MN
Signature:	Mark D. Elpers	Date:
	•	
Full Name of joint inve	ntor number 22: Matt Downs	
Citizenship:	United States of America	Residence: Bloomington, MN
Post Office Address:	4900 West 78th Street	
- कुल्म रहे हैं इस्तर रहे हैं	Bloomington, MN 55435	•
Signature:		. ·
Signature:	Matt Downs	Date:
	man Downs	·
1 CON		
Full Name of joint inver	ntor number 23: Tammy Ferris	
Citizenship:	United States of America	Residence: Bloomington, MN
Post Office Address:	4900 West 78th Street	•
11222	Bloomington, MN 55435	•
Signature:		
	Tammy Ferris	Date:
GRAN TOTAL STATE OF THE STATE O	ramay r ciris	
Full Name of joint inver	ntor number 24: Adam Opoczynski	•
Citizenship:	United States of America	Residence: Plano, TX
Post Office Address:	3705 Roxbury Lane	·
	/ Piano, TX 75025	
C:	H. They was said.	Date: Jan. 24, 1997
Signature:	Adam Opoczynski	Date: - Jan 127 , 199/
	raga opocernica	V

Our Ref. 500.623US1
Serial No. 08/673,002
Filing Date: June 28, 1996

Page 8 of 10

Citizenship: Post Office Address:	United States of America 5145 Luverne Avenue Minneapolis, MN 55419	Residence: Minneapolis, MN	
Signature:	David S. Russell	Date:	
Citizenship: Post Office Address:	tor number 26: <u>Calvia G. Nelson</u> United States of America 26190 Birch Bluff Road Shorewood, MN'55331	Residence: Shorewood, MN	-
Signature:	Calvin G. Nelson	Date:	
ull Name of joint invent itizenship: ost Office Address:	tor number 27: <u>Niranjan R. Samant</u> United States of America 229 Ridgefield Drive Middletown, CT 06547	Residence: Middletown, CT	-
ignature:	Niranjan R. Samant	Date:	
	or number 28: Joseph F. Chiappetta United States of America 6 Ranch Drive Trumbull, CT 06611	Residence: Trumbull, CT	•
ignature:	Joseph F, Chiappetta	Date:	,

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Page 9 of 10

Full Name of joint inver Citizenship: Post Office Address:	tor number 29: <u>Scott Saraikowski</u> United States of America 13235 57th Avenue North Plymouth, MN 55442	Residence: Plymouth, MN	•
Signature:	Scott Sarnikowski	Date:	
Full Name of inventor: Chizzenship: Post Office Address:		Residence:	
Signature:		Date:	
Full Name of inventor: Chizenship: Post Office Address:	· .	Residence:	· .
Signature:		Date:	
Full Name of inventor: Citizenship: Post Office Address:	·	Residence:	·
Signature:		Date:	

A Comment

#5

§ 1.56 Duty to disclose information material to patentability.

- A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent (a) examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

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The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

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Application Number	Filing Date	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

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P.O. Box 2938, Minneapolis, MN 55402

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made are punishable by	e true; and further that these statements were to fine or imprisonment, or both, under Section lize the validity of the application or any pater	1001 of Title 18 of the United States Code	tatements and the like so and that such willful false
Full Name of joint inve Citizenship: Post Office Address:	ntor number 5: Brian D. Anderson United States of America 11430 - 50th Place North Plymouth, MN 55442	Residence: Plymouth, MN	
Signature:		Date:	
	Brian D. Anderson	·	
Full Name of joint inve			
Citizenship:	United States of America	Residence: Eden Prairie, MN	
Post Office Address:	8073 Curtis Lane		
in in	Eden Prairie, MN 55347		
Signature:		Date:	
#### #### ### ### ###	Jeffrey Brede		
Full Name of joint inve	ntor number 7: Mark S. Wadman	·	
Citizenship:	United States of America	Residence: Eden Prairie, MN	
Post Office Address:	8956 Braxton Drive		-
der er	Eden Prairie, MN 55347		
Signature:	•	Date:	
	Mark S. Wadman		
100 TOX			
Full Name of joint inver	ntor number 8: Robert J. Kirscht United States of America	Residence: Savage, MN	
Citizenship: Post Office Address:	13106 Vernon Avenue South	nosidence. Davage, nav	•
- ou other time oo.	Savage, MN 55378		•
Signature:		Date:	•
	Robert J. Kirscht		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

Signature:

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Fuli Name of joint inventor number 9: James J. Herrmann United States of America Residence: Eagan, MN Citizenship: 1894 Sunrise Court Post Office Address: Eagan, MN 55122 Signature: James J. Herrmann Full Name of joint inventor number 10: Michael J. Fort Residence: Eagan, MN **United States of America** Citizenship: 1045 Northview Park Post Office Address: les dia Eagan, MN 55123 ### ### Date: Signature: Michael J. Fort 4 IJ Full Name of joint inventor number 11: Steven P. Buska United States of America Residence: Minnetonka, MN Citizenship: 13370 Stanton Drive Post Office Address: Minnetonka, MN 55305 C Date: Signature: Steven P. Buska hi 14 Full Name of joint inventor number 12: Jeff Solum Residence: Bloomington, MN United States of America Citizenship: 4900 West 78th Street Post Office Address: Bloomington, MN 55435 Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

X Additional inventors are being named on separately numbered sheets, attached hereto.

Jeff Solum

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X Additional inventors are being named on separately numbered sheets, attached hereto.

Thomas C. Tucker

Post Office Address:

Signature:

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 17: -Joe Hall Citizenship: United States of America Residence: Bloomington, MN 4900 West 78th Street Post Office Address: Bloomington, MN 55435 Date: Signature: Joe Hall Full Name of joint inventor number 18: John M. Logajan Residence: Arden Hills, MN United States of America Citizenship: Post Office Address: 4248 Hamline Avenue Arden Hills, MN 55112 Date: Signature: John M. Logajan Full Name of joint inventor number 19: Somyay Boualouang **United States of America** Residence: Bloomington, MN Citizenship: 4900 West 78th Street Post Office Address: Bloomington, MN 55435 Signature: Date: Somvay Boualouang Full Name of joint inventor number 20: Heng Lou **United States of America** Residence: Bloomington, MN Citizenship: 4900 West 78th Street

Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

Heng Lou

Bloomington, MN 55435

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Full Name of joint inve	ntor number 21: Mark D. Elpers		•
Citizenship:	United States of America	Residence: Elk River, MN	·
Post Office Address:	16303 205th Avenue NW		
1001 011100 11000000	Elk River, MN 55330		
	Dik tarot, Mix 33330		
6'		Date:	·
Signature:	Mark D. Elpers		
	mark D. Elpers		·
End Name of joint inve	ntor number 22: Matt Downs	·	
Citizenship:	United States of America	Residence: Bloomington, MN	•
Post Office Address:	4900 West 78th Street		
Post Office Address.			
<u>.</u> .	Bloomington, MN 55435		_
		Data	
Signature:		Date:	
tar and	Matt Downs		
e de langua de la Transia de la Tr			
		•	
Full Name of joint inver	ntor number 23: Tammy Ferris	·	
Citizenship:	United States of America	Residence: Bloomington, MN	•
Post Office Address:	4900 West 78th Street	,	
resi Office Address.	Bloomington, MN 55435		
-	Dioonington, 1111 33433		
eged Area		Date:	
Signature:	T Famile	Date.	
# 30 ### 100 ### 100 #	Tammy Ferris		
<u></u>			•
Full Name of joint inver	ntor number 24: Adam Opoczynski		
Citizenship:	United States of America	Residence: Plano, TX	
Post Office Address:	3705 Roxbury Lane		
	Plano, TX 75025		
•			
Signature:		Date:	•
~5-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	Adam Opoczynski		
	· romm Abaselman		

Signature:

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Date:

X Additional inventors are being named on separately numbered sheets, attached hereto.

Joseph F. Chiappetta

Full Name of joint inven Citizenship: Post Office Address:	tor number 29: <u>Scott Sarnikowski</u> United States of America 13235 57th Avenue North Plymouth, MN 55442	Residence: Plymouth, MN	
Signature:	Scott Sarnikowski	Date:	
Full Name of inventor: Citizenship:		Residence:	
Nost Office Address: Signature:		Date:	
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	
Full Name of inventor: Citizenship: Post Office Address:		Residence:	<i>:</i>
Signature:		Date:	

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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

Aprima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT</u>.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, \$119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Filing Date	<u>Status</u>
08/311.964	September 26, 1994	Allowed
08/457.317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)339-0331

Signature:

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 1: - Mark J. Dapper Citizenship: United States of America Residence: Cincinnati, OH 6558 Baywood Lane Post Office Address: Cincinnati, OH 45224 Signature: Mark J. Dapper Full Name of joint inventor number 2: Michael J. Geile Citizenship: United States of America Residence: Loveland, OH Post Office Address: 316 Miami Valley Drive Loveland, OH 45140 Date: Signature: Michael J. Geile Full Name of joint inventor number 3: Terrance J. Hill United States of America Citizenship: Residence: Fairfield, OH 1765 Garrett House Lane Post Office Address: Fairfield, OH 45014 1,1 Signature: Date: Terrance J. Hill Full Name of joint inventor number 4: Harold A. Roberts United States of America Citizenship: Residence: Eden Prairie, MN Post Office Address: 7017 Beacon Circle Eden Prairie, MN 55346

Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

Harold A. Roberts

X Additional inventors are being named on separately numbered sheets, attached hereto.

made are punishable by	e true; and further that these statements were fine or imprisonment, or both, under Section lize the validity of the application or any pate	made with the knowledge that willful false states and 1001 of Title 18 of the United States Code and its issued thereon.	ements and the like so d that such willful false
Full Name of joint inve Citizenship: Post Office Address:	ntor number 5: • Brian D. Anderson United States of America 11430 - 50th Place North Plymouth, MN 55442	Residence: Plymouth, MN	
Signature:	Brian D. Anderson	Date:	-
Full Name of joint inventions of the contract	ntor number 6: <u>Jeffrey Brede</u> United States of America 8073 Curtis Lane Eden Prairie, MN 55347	Residence: Eden Prairie, MN	
Signature:	Jeffrey Brede	Date:	
Full Name of joint inver Citizenship: Post Office Address:	ntor number 7: Mark S. Wadman United States of America 8956 Braxton Drive Eden Prairie, MN 55347	Residence: Eden Prairie, MN	••
Signature:	Mark S. Wadman	Date:	
Full Name of joint inver Citizenship: Post Office Address:	ntor number 8: Robert J. Kirscht United States of America 13106 Vernon Avenue South Savage, MN 55378	Residence: Savage, MN	
Signature:	Robert I Kirscht	Date:	

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Full Name of joint inventor number 9: James J. Herrmann

Citizenship: Post Office Address:	United States of America 1894 Sunrise Court Eagan, MN 55122	Residence: Eagan, MN	
Signature:		Date:	
	James J. Herrmann		
Full Name of joint inve	ntor number 10: Michael J. Fort	·	
Citizenship:	United States of America	Residence: Eagan, MN	
Post Office Address:	1045 Northview Park		
in the	Eagan, MN 55123		
Signature:		Date:	
	Michael J. Fort	240 ,	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
Full Name of joint inver	ntor number 11: Steven P. Buska		
Citizenship:	United States of America	Residence: Minnetonka, MN	
Post Office Address:	13370 Stanton Drive		
明 	Minnetonka, MN 55305		•
Signature:		Date:	•
	Steven P. Buska		
diamento Talentin	•		
Section 2			
	ntor number 12: <u>Jeff Solum</u>		
Čitizenship:	United States of America	Residence: Bloomington, MN	•
Post Office Address:	4900 West 78th Street	•	•
	Bloomington, MN 55435		
Signature:	· · · · · · · · · · · · · · · · · · ·	Date:	
	Jeff Solum		

Page 5 of 19	Page	5	of	ŀ	(
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Full Name of joint inver Citizenship: Post Office Address:	united States of America 464 Ridge Court Chaska, MN 55318	Residence: Chaska, MN	··.
Signature:	Debra Lea Enfield	Date:	
Citizenship: Post Office Address:	ntor number 14: <u>Darrell Berg</u> United States of America 4900 West 78th Street Bloomington, MN 55435	Residence: Bloomington, MN	-
Signature:	Darrell Berg	Date:	
Full Name of joint inver Citizenship: Post Office Address:	united States of America 230 Waterford Drive Lake Zurich, IL 60047	Residence: Lake Zurich, IL	
Signature:	Thomas Smigelski	Date:	
CONTROL OF THE CONTRO	ntor number 16: Thomas C. Tucker United States of America 205 Silver Creek Trail Chapel Hill, NC 27514	Residence: Chapel Hill, NC	-
Signature:	Thomas C. Tucker	Date:	
	Inomas C. Tucker		_

Signature:

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X Additional inventors are being named on separately numbered sheets, attached hereto.

Heng Lou

Citizenship: Post Office Address:

Signature:

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Residence: Plano, TX

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

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United States of America

3705 Roxbury Lane Plano, TX 75025

Full Name of joint inventor number 24: Adam Opoczynski

Adam Opoczynski

Signature:

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Joseph F. Chiappetta

Our R	ef. 500.62	3US	l
Serial	No. 08/67	3,00	2
Filing	Date: Jun	c 28,	1996

Full Name of joint inventor a Citizenship: Post Office Address:	umber 29: - Scott Saraikowski United States of America 13235 57th Avenue North SAN JOSE, CA SILVER POINT WAY Plymouth, MN 55443 SAN JOSE, CA 95138
Signature:	cott Sarnikowski
Full Name of inventor: Citizenship: Post Office Address:	Residence:
Signature:	Date:
Dill Name of inventor: Citizenship: ost Office Address:	Residence:
gnature:	Date:
Full Name of inventor: Citizenship: Post Office Address:	Residence:
Signature:	Date:

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§ 1.56 Duty to disclose information material to patentability.

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 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT</u>.

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I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Filing Date	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryia, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		•

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)339-0331

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 1: Mark J. Dapper United States of America Residence: Cincinnati, OH Citizenship: 6558 Baywood Lane Post Office Address: Cincinnati, OH 45224 Date: Signature: Mark J. Dapper Full Name of joint inventor number 2: Michael J. Geile **United States of America** Residence: Loveland, OH Citizenship: 316 Miami Valley Drive Post Office Address: Loveland, OH 45140 EJ Date: Signature: Michael J. Geile u Full Name of joint inventor number 3: Terrance J. Hill **United States of America** Residence: Fairfield, OH Citizenship: 1765 Garrett House Lane Post Office Address: Fairfield, OH 45014 Date: Signature: in i Terrance J. Hill **1** 3 Full Name of joint inventor number 4: Harold A. Roberts Residence: Eden Prairie, MN **United States of America** Citizenship: 7017 Beacon Circle Post Office Address: Eden Prairie, MN 55346 Date: Signature: Harold A. Roberts

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

	or number 5: · Brian D. Anderson		
Citizenship: Post Office Address:	United States of America 11430 - 50th Place North Plymouth, MN 55442	Residence: Plymouth, MN	
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	Brian D. Anderson		
Full Name of joint invento	or number 6: <u>Jeffrey Brede</u>		
Citizenship:	United States of America	Residence: Eden Prairie, MN	
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F 1.7%	Eden Prairie, MN 55347		
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Signature:	Jeffrey Brede	Date.	-
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Full Name of joint inventor	or number 7: <u>Mark S. Wadman</u>		
Full Name of joint invento Citizenship:	United States of America	Residence: Eden Prairie, MN	
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Full Name of joint invento Chizenship: Post Office Address: Signature:	United States of America 8956 Braxton Drive Eden Prairie, MN 55347 Mark S. Wadman or number 8: Robert J. Kirscht United States of America 13106 Vernon Avenue South	Date:	

X Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 9: James J. Herrmann Residence: Eagan, MN United States of America Citizenship: 1894 Sunrise Court Post Office Address: Eagan, MN 55122 Date: Signature: James J. Herrmann Full Name of joint inventor number 10: Michael J. Fort **United States of America** Residence: Eagan, MN Citizenship: 1045 Northview Park Post Office Address: Eagan, MN 55123 į į Date: Signature: Michael J. Fort IJ Full Name of joint inventor number 11: Steven P. Buska **United States of America** Residence: Minnetonka, MN Citizenship: 13370 Stanton Drive Post Office Address: Minnetonka, MN 55305 Date: Signature: Steven P. Buska ļ, £ Full Name of joint inventor number 12: Jeff Solum **United States of America** Residence: Bloomington, MN Citizenship: Post Office Address: 4900 West 78th Street Bloomington, MN 55435 Date: Signature:

X Additional inventors are being named on separately numbered sheets, attached hereto.

Jeff Solum

Signature:

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 13: 'Debra Lea Enfield **United States of America** Residence: Chaska, MN Citizenship: 464 Ridge Court Post Office Address: Chaska, MN 55318 Signature: Debra Lea Enfield Full Name of joint inventor number 14: Darrell Berg Residence: Bloomington, MN United States of America Citizenship: 4900 West 78th Street Post Office Address: Bloomington, MN 55435 į. Date: Signature: Darrell Berg Full Name of joint inventor number 15: Thomas Smigelski Residence: Lake Zurich, IL United States of America Citizenship: Post Office Address: 230 Waterford Drive Lake Zurich, IL 60047 55 Date: Signature: Thomas Smigelski į, Full Name of joint inventor number 16: Thomas C. Tucker Residence: Chapel Hill, NC Citizenship: United States of America 205 Silver Creek Trail Post Office Address: Chapel Hill, NC 27514

Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

Thomas C. Tucker

X Additional inventors are being named on separately numbered sheets, attached hereto.

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Signature:	Joe Hall	Date:	***************************************
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Full Name of joint invent Citizenship: Post Office Address:	or number 19: Somvay Boualouang United States of America 4900 West 78th Street Bloomington, MN 55435	Residence: Bloomington, MN	
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Signature:		Date:	•
विक ्रियों : १९२०	Matt Downs		
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4 149	ntor number 23: <u>Tammy Ferris</u> United States of America	Residence: Bloomington, MN	
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Signature:		Date:	
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End Name of igint inve	ntor number 24: Adam Opoczynski		
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Oi		Date:	
Signature:	Adam Oncommeki		
•	Adam Opoczynski		
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ost Office Address:	5145 Luverne Avenue Minneapolis, MN 55419	•	
ignature:		Date:	•
пенасис.	David S. Russell		
Citizenship: Post Office Address:	United States of America 26190 Birch Bluff Road Shorewood, MN 55331	Residence: Shorewood, MN	
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ignature:	Calvin G. Nelson		
litizenship: ost Office Address:	tor number 27: <u>Niranjan R. Samant</u> United States of America 229 Ridgefield Drive Middletown, CT 06547	Residence: Middletown, CT	
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ull Name of joint inventitizenship: Post Office Address:	utor number 28: <u>Joseph F. Chiappetta</u> United States of America 6 Ranch Drive Trumbull, CT 06611	Residence: Trumbull, CT	
Signature:		Date:	
orginature	Joseph F. Chiappetta	,	

X Additional inventors are being named on separately numbered sheets, attached hereto.

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Signature:	Scott Sarnikowski	Date:	**************************************
Full Name of inventor:			
Citizenship:	-	Residence:	
Signature:		Date:	
Signature:			
Full Name of inventor: Citizenship: Post Office Address:		Residence:	•
Signature:		Date:	· · · · · · · · · · · · · · · · · · ·
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	

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& 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.